



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

SHPACK
11.5
SDMS 295675

TO: Potentially Responsible Parties for the Shpack Landfill Superfund Site listed on Attachment A

From: Audrey Zucker *A. Zucker*
Senior Enforcement Counsel

Re: Shpack Landfill Superfund Site, Norton/Attleboro, MA
Release of Additional Information Request Letters and Responses

Date: September 7, 2006

As you know, EPA has released to the PRPs for the Shpack Landfill Superfund Site several CD-ROMs (two in January 2005 and one in July 2006) containing copies of CERCLA § 104(e) information request letters and responses concerning the Shpack Landfill Superfund Site. Since July 2006, EPA has undertaken a review of all CERCLA § 104(e) information request letters and responses for this Site and located a small number of request letters or responses that were not previously released. I am enclosing a final CD-ROM containing these documents.

Please note that documents claimed to contain confidential business information have been redacted from some of the documents contained on the enclosed CD-ROM.

If you have any questions, please contact me at 617-918-1788 or zucker.audrey@epa.gov.

cc: Michael Last, Esq.



Attachment A
September 7, 2006

City of Attleboro

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Attleboro Landfill, Inc. and Albert Dumont

c/o Michelle N. O'Brien, Esq.
Mackie, Shea & O'Brien, PC
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L.G. Balfour Company, Inc.
Bank of America, as Trustee

under the will of Lloyd G. Balfour
c/o Sarah Broughel, Esq.
Choate, Hall & Steward LLP
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David J. Brask

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Attachment A
September 7, 2006

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September 7, 2006

ConocoPhillips Company

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September 7, 2006

Texas Instruments

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U. S. Department of Energy

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Attachment A
September 7, 2006

International Paper Company

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Swank, Inc.

c/o Lee Henig-Elona, Esq.

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Teknor Apex Company, Inc.

c/o Bret W. Jedele, Esq.

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September 7, 2006

Waste Management of Massachusetts, Inc.

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***Commencement of Cleanup Negotiations and Request to Participate
Shpack Landfill Superfund Site***

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any other provisions of law. Demand is also hereby made under these authorities for payment of all future costs, and interest thereon, that EPA may accrue in regard to the Site.

In the event the addressee of this notice intends or has already filed for dissolution or reorganization under bankruptcy laws, you are hereby requested to include EPA-Region I, and the United States Department of Justice on any mailing or notice lists used in that proceeding. The United States reserves the right to file a proof of claim or application for reimbursement of administrative expenses in such a proceeding.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA has determined that use of the Section 122(e) Special Notice Procedures specified in CERCLA will facilitate a settlement between EPA and potentially responsible parties ("PRPs") for this site. Therefore, under Section 122 of CERCLA, receipt of this letter triggers a sixty (60) day moratorium on certain EPA response activities at the Site. During this sixty (60) day period, the PRPs, including you, are invited to participate in formal negotiations with EPA.

The purpose of these negotiations is to reach an agreement whereby the PRPs perform certain response activities required at the Site as set out in the enclosed documents. By the end of the sixty (60) day negotiation period, the PRPs must have provided a written good faith offer, as described below, to EPA. The sixty (60) day negotiation moratorium will be extended for an additional sixty (60) days if PRPs provide EPA with a good faith offer to conduct or finance the remedial design/remedial action and pay outstanding costs.

PRP STEERING COMMITTEE

Some of the PRPs have retained common counsel to help organize an effective steering committee. We encourage you to contact common counsel at the following address, and ~~organize with the other PRPs, to form a steering committee:~~

Michael Last, Esq.
One Financial Center
Boston, Massachusetts 02111-2659
phone 617-951-1192
~~fax: 617-542-7437~~
~~email: mlast@lastlaw.com~~

Establishing an effective steering committee is critical for successful negotiations with EPA. EPA recognizes that the organization of a steering committee and the allocation of responsibility among PRPs may be difficult. If PRPs are unable to organize an effective steering committee or to reach consensus among themselves on allocation, we encourage the use of the services of a neutral third party to facilitate negotiations. If requested, EPA can provide a list of experienced third-party neutrals and help arrange for the PRPs to meet with such a neutral.